IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1783 (SS) OF 2005

Jagmohan Singh Negi, S/o late Kundan Singh,
R/o Village Mawakot (Gorakhpur)
Post Office & Patti Motadhak, Pargana Bhawar,
Tehsil Kotdwar, District-Pauri Garhwal. .....Petitioner.

Versus

1. The Accountant General Raipur, State of Chhattisgarh.
2. The Accountant General (Lekha and Haqdari) Gwaliar (M.P.).-
3. Direcotr General of Police, Civil Lines, Police Headquarters, Raipur Chhattisgarh.
4. State of Chhattisgarh through Secretary of Home Affairs, State of Chhattisgarh. .....Respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri S.S. Negi, learned counsel for he petitioner and Sri Ashok Aggarwal, for the respondents.

By the present writ petition, the petitioner has prayed for a writ of Mandamus commanding the respondents to pay forthwith the arrears of the claim of G.P.F. A/c No. 60843 of Rs. 15,173/- with interest @ 12% per annum w.e.f. 01.01.1996 to 31.12.1997 of G.P.F. to the petitioner and to the date of actual payment (Annexure No. 1 and Annexure NO. 9 to the writ petition) along with special and general damages, which tantamounted to Rs. 36,874/-.

Brief facts giving rise to the present writ petition are that the petitioner was employed in M.P. Police on 12.04.1965 and he retired from his service on 1st August, 1999, from District Raigarh (M.P.) and after the reorganization of M.P. in the year 2000, Raigarh came into Chhattisgarh and thereafter the service record of the petitioner was sent to Raigarh (Chhattisgarh) from M.P.

The petitioner sent a representation to A.G. Raipur-Chhattisgarh on 19.04.2004 and further on 9th August, 2004,

but the arrears of G.P.F. along with interest have not been given to the petitioner.

During the course of hearing the petitioner has produced the copy of the order passed by the Office of Accountant General Chhattisgarh (Raipur), where a sum of rs. 28,503/- has been shown tobe due to the petitioner.

Taking into consideration, the said order passed by the Accountant General Chhattisgarh, it appears that the aforesaid amount is admitted to be due to the petitioner.

The respondent no. 1 is, therefore, directed to release the amount in favour of the petitioner within a period of three weeks, in case of failure, the petitioner will be entitled for penal interest amounting to 18% per annum.

Learned counsel for the respondents has submitted that the aforesaid amount claimed by the petitioner has already been paid. However, it is made clear that If the amount has not been paid the same shall be paid within a period of three weeks from the filing of the certified copy of the order.

In view of the above, the writ petition is finally disposed of. No order as to costs.

(Rajesh Tandon, J.)

16.02.2006
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